

**ORDINANCE NUMBER 09-14
OF THE CITY OF FRANKLIN, INDIANA
(As Amended After Introduction)**

**AN ORDINANCE ESTABLISHING STORM WATER MANAGEMENT USER FEES
AND RATES, AND POLICIES RELATED THERETO**

Whereas, the City of Franklin, Indiana ("City") has established a policy for the management of storm water runoff from real property;

Whereas, the City owns a Municipal Sewage Works that maintains and operates a treatment plant and collection system of wastewater;

Whereas, Indiana Code § 36-9-1-1 includes, under the definition of sewage works, storm sewers;

Whereas, there exists throughout the City a system of storm sewers maintained by the City to provide storm water management for real property;

Whereas, the storm sewers throughout the City will be considered a part of the City's sewage works utility and will be operated and maintained pursuant to Indiana Code Title 36, Chapter 9;

Whereas, pursuant to Indiana Code § 36-9-23-25, a municipal legislative body shall, by ordinance, establish just and equitable fees for services rendered by its sewage works;

Whereas, the City's Common Council has reviewed and considered a Proposed Schedule of Rate and Charges for storm water management prepared by BGBC Partners and has determined that the rates and charges, as proposed in that report, are necessary for the City's storm water management to create revenue sufficient to meet all of its financial obligations; and

ACCORDINGLY, the Common Council of the City of Franklin is authorized to establish just and equitable fees for services rendered by the City's municipal sewage works for storm water management.

Now, Therefore, the Common Council of the City of Franklin, Indiana, Ordains and Enacts the Following:

Section 1. Storm Water Management User Fees. Storm Water Management User Fees shall be imposed on each and every lot and parcel of real property within the City of Franklin and assessed against the owner thereof who shall be considered a storm water management customer as follows:

<u>User Fee Rates</u>	<u>Annual</u>	<u>Monthly</u>
Residential – Single Family	\$60.00	\$5.00
Residential – Other	\$30.00	\$2.50
Non-Residential – <= 40,000 sq. ft.	\$60.00	\$5.00
Non-Residential – > 40,000 sq. ft.	\$180.00	\$15.00

For purposes of this ordinance,

- “Residential – Single Family” is developed land containing one dwelling structure which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one or two families, including a duplex, and may include a commercial use within the dwelling unit so long as such use does not result in additional impervious area such as parking spaces, playgrounds, structures or additions to the building which are used for nonresidential uses.
- “Residential – Other” is developed land containing a dwelling structure or structures designed for occupancy by more than two families, such as an apartment building, and also includes mobile homes and other fabricated homes built in a factory and transported to the site as a living unit.

Each user will be charged the applicable above-referenced rate. The rates and charges, as set forth above, are hereby deemed to be just and equitable fees to maintain the City’s storm water management system in a sound, physical and financial condition as necessary to render adequate and efficient service.

Section 2. Collection of Fees and Charges. User Fees as set forth above shall be billed and collected monthly along with the established user fees of the City’s sewage works for the collection and treatment of wastewater and shall be billed at the monthly rate for the various types of properties as set forth above.

Section 3. Lien of Property. The Storm Water Management User Fees shall be liens upon the property with respect to which they are charged and if not paid within ninety (90) days after the date due, and the City may certify the lien of the City’s Sewage Works to the Auditor of Johnson County who shall place that lien on the tax duplicate of Johnson County, Indiana, with interest and penalties allowed by law, to be collected as other taxes are collected.

Section 4. Construction of Clause Headings. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

Section 5. Repeal of Conflicting Ordinances. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.

Section 6. Severability of Provisions. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

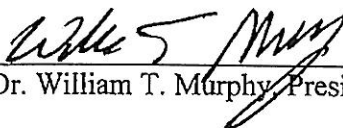
Section 7. Duration and Effective Date. Unless otherwise provided by applicable Indiana law, the provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Introduced and Filed on the 5th day of October, 2009. A motion to consider same on the First Reading or day of introduction was not offered.

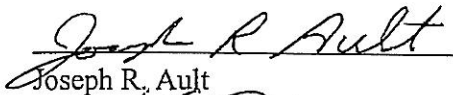
DULY PASSED on this 7th day of December, 2009 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 6 in Favor and 1 Opposed.

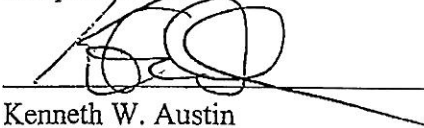
City of Franklin, Indiana, By its Common Council:

Voting Affirmative:


Dr. William T. Murphy, President

Joseph Abban


Joseph R. Ault


Kenneth W. Austin



Steve Barnett


Ann Gordon


Stephen D. Hougland

Voting Opposed:

Dr. William T. Murphy, President


Joseph Abban

Joseph R. Ault

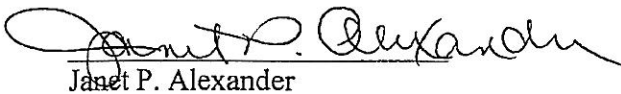
Kenneth W. Austin

Steve Barnett

Ann Gordon


Stephen D. Hougland

Attest:

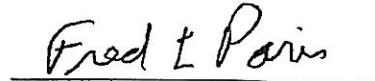

Janet P. Alexander

City Clerk-Treasurer

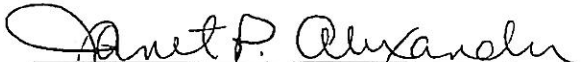
Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 21 day of December, 2009 at 8:00 o'clock ~~a.m.~~/p.m.


Janet P. Alexander,
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 21 day of December, 2009 at 8:00 o'clock ~~a.m.~~/p.m.


Fred L. Paris, Mayor
City of Franklin, Indiana

Attest:


Janet P. Alexander,
City Clerk-Treasurer

Prepared by:

Robert H. Schafstall
Atty. No.: 16944-41